



NEW JERSEY DEPARTMENT  
OF CHILDREN AND FAMILIES

## New Jersey Department of Children and Families Policy Manual

Manual:	CP&P	Child Protection and Permanency	Effective Date:
Volume:	IV	Out of Home Placement	
Chapter:	E	Residential Placement	4-6-2009
Subchapter:	1	Residential Placement	
Issuance:	400	<b>Authorization for Residential Placement</b>	

### CONSENT REQUIREMENTS 4-6-2009

Worker	CP&P Form 25-59, Residential Placement Agreement and/or Acknowledgement Between the State of New Jersey Division of Child Protection and Permanency and Parent(s), Legal Guardian or Legal Custodian - Obtain the signature of the child's parent(s), legal guardian, or legal custodian at the time of placement in a residential, group care, or emergency care facility by CP&P, provided that the child has not been subject to child abuse or neglect. On the form indicate the placement is authorized by voluntary consent.
	If the child was abused or neglected, which resulted in the need to remove and place the child, a parent's consent shall not be recognized as authority to place the child. CP&P petitions the court in such matters, under the authority of Title 9. Direct any questions about authority to place to the DAG. Do not alter the agreement (CP&P Form 25-59) in any way.
	When a child is placed by court order, CP&P requests the parent, legal guardian, or legal custodian sign CP&P Form 25-59, to "acknowledge" his or

	her responsibility for the child's care and planning while the child is in residential treatment. On the form indicate the placement is authorized by a court order.
	Emergency Interim Placement - Obtain parental consent on CP&P Form 25-59 to authorize emergency interim placement in a shelter or emergency resource family home, when residential placement is the plan. For all other placements (other than independent living), obtain a court order.
	Court Intervention - Parental consent on CP&P Form 25-59 is not necessary when the court places a juvenile-family crisis child in a shelter. See <a href="#">CP&amp;P-VIII-F-1-600</a> .

## LEGALLY NECESSARY SIGNATURES

4-6-2009

	Both Legal Parents in Home - Only one signature is necessary on CP&P Form 25-59 to place the child by voluntary consent; however, the other parent must agree with, or fail to object to, the placement, or a court order is required.
Worker	Parents are Separated or Divorced - Placement is authorized with the signature of the custodial parent on CP&P Form 25-59. Seek the non-custodial parent's signature; if not obtained, notify that parent in writing of the placement. Document verbal consent, if given, when written consent by the other parent is refused. When no custody has been awarded, the parent with physical custody signs the agreement.
	Putative Father - Signature is sought,

	but not legally necessary, only if the putative father is involved with the child.
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### **PARENT REFUSES OR IS UNAVAILABLE TO CONSENT 4-6-2009**

Worker	Court Order - Seek a court order to authorize placement when a parent(s), legal guardian, or legal custodian refuses to sign CP&P Form 25-59, is unavailable, or cannot be located.
	Emergency Placement - When doing a removal without parental consent or court order, leave a Notice of Emergency Removal (Dodd letter), CP&P Form <a href="#">21-6</a> , at the last known address of the parent(s), legal guardian, or legal custodian, informing him or her of the child's emergency removal and placement, and that the matter will come before the court within two court days.
	Document - Document all efforts to locate the parent(s) in the electronic case record using a Contact Activity Note (printable as a Contact Sheet, CP&P Form <a href="#">26-52</a> ).
	Search - Conduct a search when the parent(s), legal guardian, or legal custodian cannot be located. See <a href="#">CP&amp;P-III-C-4-100</a> .

### **CONSULT DEPUTY ATTORNEY GENERAL (DAG)**

**8-9-2004**

Worker and/or Supervisor	Seek Legal Direction - <ul style="list-style-type: none"> <li>When a parent(s), legal guardian, or legal custodian refuses to sign the agreement or cannot be located.</li> </ul>
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	<ul style="list-style-type: none"> <li>• When a legal parent, whose signature is essential, refuses to sign the agreement.</li> <li>• When residential placement is emergent and the parent(s), legal guardian, or legal custodian refuses to sign, or cannot be located.</li> <li>• When clarification is needed as to the appropriate legal authority for placement.</li> </ul>
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#### **VACATION OR WEEKEND VISITS      8-9-2004**

Worker	Notification – Notify the child's parent(s), legal guardian, or legal custodian and the Child Placement Review Board, in writing, when visits to a relative or resource family home will occur as part of the treatment plan.
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#### **Essential Signatures on the Agreement      4-6-2009**

In order for the Residential Placement Agreement to be valid, certain signatures on the agreement are legally necessary, based on the parents' marital/civil union status and legal relationship to the child. In addition, certain other signatures must be sought but are not legally necessary for the placement of the child.

- When both legal parents live in the home, only one signature is necessary for the placement of the child; however, the other parent must at least assent or fail to object to the placement. In the absence of at least one signature and the other parent's assent or failure to object, a court order is necessary in order to place the child.
- When the legal parents are separated or divorced and one parent has been awarded custody, the child may be placed based on the signature of that parent.

The written consent of the other parent must be sought but is not legally necessary for placement. When written consent is refused, verbal consent may be accepted and must be documented. In the absence of any consent from the parent without custody, that parent and the court originally ordering custody must be notified in writing of the

placement. THE CHILD MAY STILL BE PLACED BASED ON THE SIGNATURE OF THE PARENT WITH CUSTODY.

- When the legal parents are separated but no custody has been awarded, the child may be placed based on the signature of the parent with physical custody.

The Worker must attempt and document efforts to inform and obtain the written or verbal consent of the other parent. If that parent assents or fails to object, the placement may continue. If that parent objects to the placement, the DAG must be consulted in order to obtain the necessary court order.

- The signature of any putative father involved with the child must be sought, but is not legally necessary for placement.
- When placement is necessary but the legal parent(s) or guardian, whose signature is essential, is unwilling to sign, a court order authorizing placement must be obtained.
- If a legal parent, whose signature is essential, refuses to sign for any reason, including disagreement with a particular statement, a court order is necessary for placement. The agreement must not be altered in any way.

CP&P asks the parent(s) to sign CP&P Form 25-59, even when a court order authorizes the child's removal and placement. The parent's signature serves as an "acknowledgment" of his or her responsibilities toward the child while the child is in residential treatment. See CP&P Form 25-59 form instructions.

### **Information Provided to the Parent 2-10-87**

1. The parent(s) or guardian is advised of the Child Placement Review Act and his/her role in cooperating with the court and review board.
2. The parent(s) or guardian has the right to terminate the placement agreement as long as there is no court order to the contrary. When the parent(s) or guardian, requests termination of the agreement, CP&P must, within 15 days, return the child or seek a court order authorizing continued CP&P custody. When a caregiver requests termination of the agreement, CP&P must assess the situation and make a decision based on the service plan.
3. If the parent(s)/guardian requests termination of the placement agreement in order to have the child returned home, and this is contrary to the case plan as indicated by the case goal approved by the court under the Child Placement Review Act, CP&P cannot return the child home. See [CP&P-IV-A-3-200](#).

4. If the parent(s)/guardian requests termination of the agreement in order to have the child returned home and return is contingent on certain conditions, approved by the court that have not been met, CP&P cannot return the child home. See [CP&P-IV-A-3-200](#).
5. CP&P may also terminate the agreement when the child's treatment is completed. In this situation, CP&P must notify the parent(s) or guardian at least 15 days before the termination of the agreement.
6. The parent(s) is responsible for the financial support of his/her child who is in a CP&P residential placement. See [CP&P-IV-E-1-200](#). The parent(s) must be evaluated to determine capacity to meet this obligation. See [CP&P-IX-F-1-225](#).